

Doc Code: AP.PRE.REQ

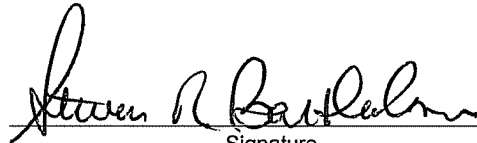
PTO/SB/33 (07/05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) YOR920000812US1	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR on _____ Signature _____ Typed or printed name _____	Application Number 09/847,557	Filed 05/02/2001	
	First Named Inventor Andrew Varga		
	Art Unit 3627	Examiner C. Buchanan	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number 34771</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			


Signature

Steven R. Bartholomew

Typed or printed name

860-286-2929

Telephone number

2007-08-14

Date

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Andrew Varga)	
)	
SERIAL NO.:	09/847,557)	ART UNIT
)	3627
FILED:	May 2, 2001)	
)	EXAMINER:
FOR:	METHOD AND SYSTEM FOR)	C. Buchanan
	MANAGING PARTS REQUIREMENTS)	
	PROCESSES)	

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed concurrently with a Notice of Appeal. This review is requested for the reason(s) stated on the attached sheet(s), which do not exceed more than five (5) pages.

REMARKS

In response to the Final Office Action dated May 14, 2007, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Status of Claims

Claims 1-9, 11-15, 17-19, 21, 23-27, 29-31 and 33-35 are pending.

Rejections Under 35 U.S.C. §103(a)

Claims 1-9, 11-15, 17-19, 21, 23-27, 29-31, and 33-35 were rejected under 35 USC §103(a) as being unpatentable over Swanson alone.

The Applicants submit that the rejection of claims 1-9, 11-15, 17-19, 21, 23-27, 29-31, and 33-35 is in error because the Examiner has not met the burden of establishing a prima facie case of obviousness, thus contravening the provisions of 35 USC §103(a).

The Applicants submit that there is clear error in the outstanding rejection under 35 USC §103(a) because the cited reference does not teach or suggest all of the claim limitations. With respect to independent claims 1, 34, and 35, the Examiner states on page 3 of the final Office Action of May 14, 2007, that “[t]he system of Swanson differs from the claimed invention in that the bill of material is not explicitly shown to be edited to facilitate production planning processes. However, there are a variety of well-known reasons for editing a bill of material, such as cost planning, inventory management, supplier status, managerial approval, etc., and the particular reason would be a matter of design choice. It would have been obvious to one of ordinary skill in the art at the time the invention was made to edit the bill of materials to facilitate a variety of planning processes, including production planning”.

The Examiner correctly observed that Swanson fails to disclose editing an engineering drawing or bill of material to facilitate development and manufacture of a product design. In fact, Swanson’s e-catalog is employed by users for the purpose of making product decisions, and not for the purpose of developing or manufacturing a product design. Paragraph [0003] of Swanson explicitly states, “[t]o be eCommerce-ready starts with building an intelligent content and information architecture for supplier's

product information--an Internet-ready and transaction-ready intelligent multimedia product catalog. Today most companies have deployed simple catalogs on their Web sites in graphical form incorporating HTML and PDF formats....Computer accessible intelligent product catalogs are the fuel of eCommerce, without them products can't be selected, transactions can't be completed, B2B exchanges are stalled". Moreover, paragraph [0008] of Swanson explicitly states "[c]ompanies are discovering that the existing catalogs on their web site are obsolete and insufficient for eCommerce. While existing catalogs will support human viewing they are not structure to assist software programs in completing transactions."

Accordingly, Swanson is directed to selling available products to customers through an online catalog posted on an eCommerce website. In the context of eCommerce websites, customers are not responsible for designing the products they are purchasing. Instead, the seller is responsible for designing products which are on offer and listed in the online catalog.

By contrast, Applicants' claimed systems, methods, and computer program products are applicable to a vendor designing and developing products before they are offered for sale in an online catalog. Since Swanson is directed to selling available products to customers who are not responsible for designing the products they are purchasing, it would be counter-intuitive (and, hence, nonobvious) for Swanson to be modified so as to provide customers with the capability of changing a bill of materials listing component parts for constructing or designing a product they wish to purchase.

In view of the foregoing considerations, Swanson fails to teach, suggest, or render obvious at least the elements "a server in communication with a workstation over a network, the workstation executing a design tool application for developing a product design", and "receiving a bill of material...in response to the product design conducted on the workstation, wherein the bill of material for the product design can be edited to facilitate production planning processes for at least one of developing or manufacturing the product design" as recited in claim 1. Moreover, Swanson fails to teach, suggest, or render obvious at least the element "receiving a bill of material...in response to a product design conducted on a workstation, wherein the bill of material for the product design can

be edited to facilitate production planning processes for at least one of developing or manufacturing the product design” as recited in claims 34 and 35.

Dependent claims 2-9, 11-15, 17-19, 21, 23-27, 29-31 and 33 were rejected under 35 USC §103(a) as being unpatentable over Swanson alone. Applicants submit that claims 2-9 are allowable at least because they depend from claim 1 which is believed to be an allowable claim for the reasons described above. Applicants further submit that claims 11-15, 17-19 and 21 are allowable at least because they depend from claim 34 which is believed to be an allowable claim for the reasons described above. Moreover, Applicants further submit that claims 23-27, 29-31 and 33 are allowable at least because they depend from claim 35 which is believed to be an allowable claim for the reasons described above.

Summary

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Applicants respectfully submit that the final rejection of Claims 1-9, 11-15, 17-19, 21, 23-27, 29-31, and 33-35 should be overturned because the final rejection is in error and should be reversed. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 50-0510.

Respectfully submitted,

By: /Steven R. Bartholomew/
Steven R. Bartholomew
Registration No. 34,771
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 48915

Date: August 14, 2007